

Appl. No. 10/596,854
Arndt. Dated February 19, 2009
Reply to Office action of November 19, 2008
Attorney Docket No. P16272-US1
EUS/J/P/09-3066

Amendments to the Drawings:

A Submittal of a Drawing Replacement Sheet for Figure 5 is being filed concurrently herewith under a separate cover. For your convenience, a copy of that filing is attached.

Attachment: Copy of Submittal of Drawing Replacement Sheet for Figure 5

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claim 1. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-16 and 25-40 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Examiner Objections – Drawings

The Drawings were objected to under 37 CFR 1.83(a). Figure 5 has been replaced with the drawing that is shown on the enclosed sheet. Support for the replacement drawing is found throughout the Specification including the Title of the application. The Examiner's approval of the drawing replacement is respectfully requested.

Examiner Objections – Specification

The specification was objected to because the amendment filed November 11, 2008 introduces new matter into the disclosure. The new matter is stated as having been introduced by the replacement Figure 5 and accompanying description, which is objected to in the current Office Action. The Applicant has replaced the original Figure 5 and the description with a replacement drawing that discloses a high level block diagram of a prior art simplified CDMA system (the Applicant respectfully submits that no new matter is introduced). Support for the replacement description of Figure 5 is found throughout the Specification, and in the claims, of the original filed Application. For instance, the title of the Application is "Method and System for Allocation of Channelisation Codes in a Code Division Multiple Access System". The Examiner's consideration of the amendments to the specification is respectfully requested.

Claim Rejections – 35 U.S.C. § 101

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The Applicant respectfully submits that the current claims, as amended, "A method, in a Code Division Multiple Access (CDMA) system..." is directed to statutory subject matter; that of a CDMA system. The Applicant respectfully requests that the rejection of these claims be withdrawn.

Claim Rejections – 35 U.S.C. § 112

Claims 2-16 and 25-40 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Applicant has amended the claims to comply with the written description requirement.

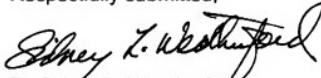
The Applicant respectfully submits that Figure 4, approved by the Examiner in the June 12, 2008 Office Action, provides an enabling disclosure of the claimed method in claims 2-16. Replacement Figure 5 and its accompanying description disclose the base station as stated in claim 25. The Applicant respectfully submits that the means in claims 35-40 can be understood by a person having ordinary skill in the art in order to make or use the invention. Support for claims 35-40 is found on page 14, lines 14-26. The Applicant respectfully submits that the CDMA system as illustrated by the current replacement drawing, Figure 5, and the Figure 5 description provides adequate description for claims 1 and 25. A person having ordinary skill in the art of CDMA systems and the use of code trees in a CDMA system would be able to make and/or use the claimed invention. The Applicant respectfully requests the withdrawal of the rejection of these claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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